



CITY COUNCIL WORK SESSION

Tuesday, January 17, 2023 - 10:00 AM

Community Room, Montrose Public Safety Complex - 434 S. First Street

Public participation for this meeting will be in person in the City Council Chambers, and the meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

1) INTRODUCTION OF NEW CITY EMPLOYEES

- DeVerna Rogers - Marketing & Tourism Manager
- Jacob Wilson - Marketing & Tourism Specialist
- Gabe McCain - Street Division Worker
- Bob Tarcsay - Street Division Worker
- Drake Horn - Utilities Worker
- Katey Crowley - HR Generalist

2) DISCUSSION ITEMS

- A) Adoption of 2020 Model Traffic Code (20 minutes)
Staff: City Attorney Ben Morris 2-23
- B) 6700 Road Extension Project Contract Award (15 minutes)
Staff: City Engineer Scott Murphy 24-28
- C) 2023 Trash Truck Purchase Recommendation (15 minutes)
Staff: Public Works Manager Jim Scheid 29-30
- D) 2022 Ford Vehicle Purchase Amendment (15 minutes)
Staff: Public Works Manager Jim Scheid 31-32
- E) 2023 Equipment Disposal List (15 minutes)
Staff: Public Works Manager Jim Scheid 33-34

3) GENERAL CITY COUNCIL DISCUSSION

4) STAFF COMMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REVISING CHAPTER 10-1 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, FOR THE REGULATION OF TRAFFIC; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; SUPERSEDING THE 2003 MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES; PROVIDING OTHER PROVISIONS CONSISTENT WITH THE ADOPTION OF THE 2020 CODE; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch publishes the "Model Traffic Code for Colorado Municipalities" and updates the same from time to time; and

WHEREAS, the City Council has determined that the revision of Chapter 1 of Title 10 of the Official Code of the City of Montrose, Colorado, to adopt with modifications the most recent version of the "Model Traffic Code for Colorado Municipalities" will be consistent with the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

SECTION 1: ADOPTION

Sections 10-1-1 (A) and (B) of the Official Code of the City of Montrose, Colorado, are hereby amended to read as follows:

10-1-1: ADOPTION OF TRAFFIC CODE

- (A) Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, and Article II, Section 10 of the City Charter of the City of Montrose, there is hereby adopted by reference the 2020 edition of the "Model Traffic Code for Colorado Municipalities," (hereinafter referred to as the "Model Traffic Code") promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Ordinance and the Model Traffic Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. The adoption of the Model Traffic Code may also be cross-referenced in Section 10-1-1 (A) of the Official Code of the City of Montrose, Colorado.

- (B) Three (3) copies of the Model Traffic Code and any secondary code pertaining thereto certified to be true copies by the Mayor and Clerk shall be kept filed in the Office of the Clerk available for public inspection. The Clerk shall maintain a reasonable supply of copies of the Model Traffic Code adopted herein for purchase by the public at a moderate price.

SECTION 2: ADDITIONS OR MODIFICATIONS

Section 10-1-1 (C) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (C) The Model Traffic Code for Colorado Municipalities, 2020 Edition is hereinafter sometimes referred to and may be cited as the “Model Traffic Code” or “MTC”.

SECTION 3: ADDITIONS OR MODIFICATIONS

Section 10-1-1 (D) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (D) The following provisions of the Model Traffic Code adopted herein are modified as follows:

Delete the words “by ordinance” in the first line of Subsection 1205(3).

SECTION 4: ADDITIONS OR MODIFICATIONS

Section 10-1-1 (E) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (E) The 2020 edition of the Model Traffic Code is adopted as if set out at length, save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

Sections 239 (5.5) (b), (c); 607 (2) (b); 705 (3) (b) (II), (III); 1210.

SECTION 5: ADDITIONS OR MODIFICATIONS

A new Part 17 is hereby added to the Model Traffic Code adopted herein to read as follows, and may be cross-referenced in Section 10-1-1 (F) of the Official Code of the City of Montrose, Colorado:

PART 17 PENALTIES AND PROCEDURE

Preface.

(1) Municipalities that have adopted the Code need to be aware of: sections 13-10-101, C.R.S., et. seq., section 42-4-110 (2), C.R.S., and the Colorado Municipal Court Rules (C.M.C.R.).

(2) Counties that have adopted the Code need to be aware of: part 5 of Code 6 of title 13, C.R.S., section 16-2-201, C.R.S., sections 30-15-401 (1)(h), 30-15-402, 30-15-407, C.R.S., section 42-4-1701, C.R.S., Colorado Rules for Magistrates - Rule 7, and Colorado Rules of Criminal Procedure - Rule 4.1.

(3) Counties additionally need to be aware of section 30-15-401 (1)(h), C.R.S., which reads in part, emphasis added:

“To control and regulate the movement and parking of vehicles and motor vehicles on public property; **except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest.**”.

Pursuant to section 30-15-402, C.R.S., which reads in part, emphasis added:

(1) “Any person who violates any county ordinance adopted pursuant to this part 4 ... **in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation.** If authorized by the county ordinance, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by any arresting law enforcement officer for any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. **In the case of county traffic ordinance violations, the provisions of sections 42-4-1701 and 42-4-1703, C.R.S., and sections 42-4-1708 to 42-4-1718, C.R.S., shall apply;** except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.

(2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:

(a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section 24-4.2-103, C.R.S.”.

1701. Traffic offenses and infractions classified - penalties - penalty and surcharge schedule - repeal.

(1) It is a traffic infraction for any person to violate any of the provisions of parts 1 to 3 and 5 to 19 of this Code unless such violation is, by parts 1 to 3 and 5 to 19 of this Code a misdemeanor traffic offense. Such a traffic infraction shall constitute a civil matter.

(2) For the purposes of this part 17, “judge” shall include any Municipal Court Judge, Assistant Municipal Court Judge, or Alternate Municipal Court Judge.

(3) (a) (I) Except as provided in subsections (4) and (5) of this section or the section creating the infraction, traffic infractions are divided into two classes which shall be subject to the following penalties which are authorized upon entry of judgment against the defendant:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

(II) (A) Except as otherwise provided in sub-subparagraphs (B) and (C) of this subparagraph (II), subsections (4) and (5) of this section, or the section creating the offense, misdemeanor traffic offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	Three-hundred sixty-four days imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

(B) Any person convicted of a class 1 or class 2 misdemeanor traffic offense shall be required to pay restitution and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by sub-subparagraph (A) of this subparagraph (II).

(C) For any person under eighteen years of age, the penalty shall be a \$300 fine or two days detention, or a combination of both such fine and detention.

(b) Any traffic infraction or misdemeanor traffic offense defined by ordinance outside of this Code shall be punishable as provided in the ordinance defining it or as otherwise provided by law.

(c) The department has no authority to assess any points under section 42-2-127, C.R.S., upon

entry of judgment for any class B traffic infractions.

(4) (a) (I) Except as provided in subsection (5)(c) of this section, every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this Code to which subsection (5)(a) or (5)(b) of this section applies shall be fined or penalized in accordance with the penalty schedule set forth in § 42-4-1701(4)(a), C.R.S., as amended, or, if no penalty is specified in the schedule, the penalty for class A and class B traffic infractions shall be fifteen dollars. Except that the penalties shall not apply to class 1 or 2 traffic misdemeanors. These penalties shall apply whether the defendant acknowledges the defendant's guilt or liability in accordance with the procedure set forth by subsection (5)(a) of this section, is found guilty by the Montrose Municipal Court, or has judgment entered against the defendant by the Montrose Municipal Court. The Montrose Municipal Court is authorized to incorporate the foregoing penalties and any penalties authorized by Section 1701 of the Model Traffic Code into a fine schedule adopted in accordance with Rule 210 of the Colorado Rules of Municipal Court Procedure.

(II) A person convicted of violating section 507 or 508 shall be fined pursuant to this sub-subparagraph (A), whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by the Montrose Municipal Court. A person who violates section 507 or 508 shall be punished by the following fine:

Excess Weight - Pounds	
Penalty 1 - 1,000	\$
20.00	
1,001 - 3,000	25.00
3,001 - 5,000	0.03 per pound overweight
5,001 - 7,000	0.05 per pound overweight
rounded to the nearest dollar	
7,001 - 10,000	0.07 per pound overweight
rounded to the nearest dollar	
10,001 - 15,000	0.10 per pound overweight
rounded to the nearest dollar	
15,001 - 19,750	0.15 per pound
rounded to the nearest dollar	
Over 19,750	0.25 per pound overweight
rounded to the nearest dollar	

(III) Any person convicted of violating any of the rules promulgated pursuant to section 510, except section 510 (2) (b) (IV), shall be fined as follows, whether the violator acknowledges the violator's guilt pursuant to the procedure set forth in paragraph (a) of subsection (5) of this section or is found guilty by a court of competent jurisdiction:

(A) Except as provided in sub-subparagraph (D) of this subparagraph (III), any person who violates the maximum permitted weight on an axle or on gross weight shall be punished by the following fine:

Excess Weight Above Maximum

Permitted Weight - Pounds

Penalty

1 - 2,500	\$ 50.00	
2,501 - 5,000	100.00	
5,001 - 7,500	200.00	
7,501 - 10,000	400.00	
Over 10,000	\$150.00	for each 1,000 pounds additional overweight, plus \$ 400.00

(B) Any person who violates any of the requirements of the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads, other than those violations specified in sub-subparagraph (A) or (C) of this subparagraph (III), shall be punished by a fine of fifty dollars.

(C) Any person who fails to have an escort vehicle when such vehicle is required by the rules and regulations pertaining to transport permits for the movement of overweight or oversize vehicles or loads or who fails to reduce speed when such speed reduction is required by said rules and regulations shall be punished by a fine of two hundred fifty dollars.

(D) The fines for a person who violates the maximum permitted weight on an axle or on gross weight under a permit issued pursuant to section 510 (1) (b) (II) shall be doubled.

(IV) A person who violates section 1208 (3) by parking a vehicle owned by a commercial carrier is guilty of a class 1 misdemeanor traffic offense.

(V) (A) A person who violates section 1208 (5) of this section is guilty of a class 1 misdemeanor traffic offense.

(B) A person who willfully receives remuneration for violating section 1208 (5) is guilty of a class 1 misdemeanor traffic offense.

(b) (I) The schedule in § 42-4-1701(4)(a)(I), C.R.S., as amended, shall not apply when the provisions of paragraph (c) of subsection (5) of this section prohibit the issuance of a penalty assessment notice for a violation of the aforesaid traffic violation.

(II) The schedules in §§ 42-4-1701(4)(a)(II) and (III), C.R.S., as amended, shall apply whether the violator is issued a penalty assessment notice or a summons and complaint.

(c) (I) The penalties imposed for speeding violations under subsection § 42-4-1701 (4)(a)(I), C.R.S., as amended, shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614(1) (a); except that the penalty for violating section 1101 (1) or (8) (b) by twenty to twenty-four miles per hour over the reasonable and prudent speed or over the maximum lawful speed limit of seventy-five miles per hour shall be five hundred forty dollars.

(II) The penalties imposed for violations under sub-subparagraphs (C), (G), sub-subparagraphs

(C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) § 42-4-1701(4) C.R.S., as amended, shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by the department of transportation pursuant to section 614 (1) (a); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (II).

(III) The penalties imposed for speeding violations under sub-subparagraph (L) of subparagraph (I) of paragraph (a) § 42-4-1701(4) shall be doubled if a speeding violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614 (1) (b).

(IV) The penalties imposed for violations under sub-subparagraphs (C), (G), (H), (I), (J), (K), (N), and (O) of subparagraph (I) of paragraph (a) of § 42-4-1701(4) shall be doubled if a violation occurs within a maintenance, repair, or construction zone that is designated by a public entity pursuant to section 614 (1) (b); except that the fines for violating sections 314, 610, 613, 706, 707, 708, 709, 710, 1011, 1012, 1404, 1408, and 1414 shall not be doubled under this subparagraph (IV).

(d) The penalty imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a school zone pursuant to section 615.

(d.5) The penalty imposed for any moving traffic violation under subparagraph (I) of paragraph (a) of this subsection (4) are doubled if the violation occurs within a wildlife crossing zone pursuant to section 616.

(5)(a) At any time that a person is charged with the commission of any traffic infraction, the peace officer shall, except when the provisions of paragraph (c) of this subsection (5) prohibit it, give a penalty assessment notice to the defendant. Such penalty assessment notice shall contain all the information required by section 1709.

(b) Should the defendant charged with a traffic infraction accept the notice but fail to pay the prescribed penalty, the defendant shall be allowed to pay such penalty to the clerk of the court referred to in the summons portion of the penalty assessment notice prior to the time for appearance as specified in the notice. If the penalty for a traffic infraction is not timely paid, the case shall thereafter be heard in the Montrose Municipal Court. The maximum penalty that may be imposed shall not exceed the penalty set forth in the applicable penalty schedule in § 42-4-1701(4), C.R.S., as amended.

(c) (I) The penalty schedules of § 42-4-1701(4), C.R.S., as amended, and the penalty assessment notice provisions of paragraphs (a) and (b) of this subsection (5) shall not apply to violations constituting traffic infractions specified in § 42-4-1701(4), C.R.S., as amended, when it appears that:

(A) In a violation of section 1101 (1) or (8) (b), the defendant exceeded the reasonable and prudent speed or the maximum lawful speed of seventy-five miles per hour by more than twenty-

four miles per hour;

(B) The alleged violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or in injury or death to any person;

(C) The defendant has, in the course of the same transaction, violated one of the provisions of this Code specified in the penalty schedules in § 42-4-1701(4) C.R.S., as amended, and has also violated one or more provisions of this Code not so specified, and the peace officer charges such defendant with two or more violations, any one of which is not specified in the penalty and surcharge schedules in § 42-4-1701(4), C.R.S., as amended.

(II) In all cases where this paragraph (c) prohibits the issuance of a penalty assessment notice, the penalty schedule contained in subparagraph § 42-4-1701(4)(a)(I), C.R.S., as amended of this section shall be inapplicable; except that the penalty provided in the schedule contained in § 42-4-1701(4)(a)(B)(I), C.R.S., as amended of this section for any violation of section 121 shall always apply to such a violation. In all cases where the penalty schedule contained in § 42-4-1701(4)(a)(I), C.R.S., as amended, the provisions of subsection (3) of this section shall apply.

(6) An officer coming upon an unattended vehicle that is in apparent violation of any provision of this Code may place upon the vehicle a penalty assessment notice indicating the infraction and directing the owner or operator of the vehicle to remit the penalty assessment provided for by subsection (4) of this section. If the penalty assessment is not paid timely, the police officer who issued the original penalty assessment notice may file a complaint with the Municipal Court and issue and serve upon the registered owner of the vehicle a summons to appear in court at a time and place specified therein as in the case of other offenses or infractions.

(7) If a person receives a penalty assessment notice for a violation under this Section 1701, and such person pays the fine for the violation on or before the date of payment is due, the points assessed for the violation are reduced as follows:

(a) For a violation having an assessment of three (3) or more points under Section 42-2-127(5) C.R.S., as amended, the total number of points assessed for said violation are reduced by two (2) points;

(b) For a violation having an assessment of two (2) points under Section 42-2-127(5), C.R.S., as amended, the total number of points assessed for said violation are reduced by one (1) point.

1702. R e s e r v e d .

1703. Parties to a crime.

Every person who commits, conspires to commit, or aids or abets in the commission of any act declared in this Code to be a traffic offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes,

coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such offense or liable for such offense.

1704. Offenses by persons controlling vehicles.

It is unlawful for the owner or any other person employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law or this Code.

1705. Reserved.

1706. Juveniles - convicted - arrested and incarcerated - provisions for confinement.

(1) Notwithstanding any other provision of law, a child, as defined in section 19-1-103 (18), C.R.S., convicted of a misdemeanor traffic offense under this Code, violating the conditions of probation imposed under this Code, or found in contempt of court in connection with a violation or alleged violation under this Code shall not be confined in a jail, lockup, or other place used for the confinement of adult offenders if the court with jurisdiction is located in a county in which there is a juvenile detention facility operated by or under contract with the department of human services that shall receive and provide care for such child or if the jail is located within forty miles of such facility. The court imposing penalties under this section may confine a child for a determinate period of time in a juvenile detention facility operated by or under contract with the department of human services. If a juvenile detention facility operated by or under contract with the department of human services is not located within the county or within forty miles of the jail, a child may be confined for up to forty-eight hours in a jail pursuant to section 19-2-508 (4), C.R.S.

1707. Summons and complaint or penalty assessment notice for misdemeanor traffic offenses - release - registration.

(1)(a) Whenever a person commits a violation of this Code punishable as a misdemeanor traffic offense, the peace officer may issue and serve upon the defendant a summons and complaint which must contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the Code alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; direct the defendant to appear in the Montrose Municipal Court at a specified time and place; and be signed by the peace officer.

(2) If a peace officer issues and serves a summons and complaint to appear in any court upon the defendant as described in subsection (1) of this section, any defect in form in such summons and complaint regarding the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, the date and approximate location thereof, and the date the summons and complaint is served on the defendant may be cured by amendment at any time prior to trial or any time before verdict or findings upon an oral motion by the prosecuting attorney after notice to the defendant and an opportunity for a hearing. No such amendment shall be permitted if substantial rights of the defendant are prejudiced. No summons and complaint shall be considered defective so as to be cause for dismissal solely because of a defect in form in such summons and complaint as described in this subsection (2).

1708. Burden of proof - appeals.

(1) The burden of proof shall be upon the people, and the court shall enter judgment in favor of the defendant unless the people prove the liability of the defendant beyond a reasonable doubt.

(2) Appeals from courts of record shall be in accordance with Rule 37 of the Colorado Rules of Criminal Procedure.

(3) The City Attorney's office, in its sole discretion, may prosecute traffic infractions and traffic misdemeanors, or may refrain from the same on a case-by-case basis.

1709. Penalty assessment notice for traffic infractions - violations of provisions by officer - drivers' license.

(1) Whenever a penalty assessment notice for a traffic infraction is issued the penalty assessment notice which shall be served upon the defendant by the peace officer shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant's driver's license, if any, a citation of the Code alleged to have been violated, a brief description of the traffic infraction, the date and approximate location thereof, the amount of the penalty prescribed for such traffic infraction, the number of points, if any, prescribed for such traffic infraction pursuant to section 42-2-127, C.R.S., and the date the penalty assessment notice is served on the defendant; shall direct the defendant to appear in the Montrose Municipal Court at a specified time and place in the event such penalty and surcharge thereon is not paid; shall be signed by the peace officer; as well as such other information as may be required by law to constitute such penalty assessment notice to be a summons and complaint, should the prescribed penalty not be paid within the time allowed in section 1701.

(2) One copy of said penalty assessment notice shall be served upon the defendant by the peace officer and one copy sent to the clerk of the court and such other copies sent as may be required by ordinance or the court.

(3) The time specified in the summons portion of said penalty assessment notice must be at least twenty-eight days but not more than ninety-one days after the date such penalty assessment notice is served, unless the defendant shall demand an earlier hearing.

(4) The place specified in the summons portion of said penalty assessment notice must be the Montrose Municipal Court.

(5) Whenever the defendant refuses to accept service of the penalty assessment notice, tender of such notice by the peace officer to the defendant shall constitute service thereof upon the defendant.

1710. Failure to pay penalty for traffic offenses - failure of parent or guardian to sign penalty assessment notice - procedures.

(1)(a) Unless a person who has been cited for a traffic infraction pays the penalty assessment as provided in this Code, the person shall appear at a hearing on the date and time specified in the citation and answer the complaint against such person.

(1.5) If a minor under the age of eighteen years is required to appear at a hearing pursuant to

subsection (1) of this section, the minor shall so inform his or her parent or legal guardian, and the parent or legal guardian shall also be required to appear at the hearing.

(2) If the violator answers that he or she is guilty or if the violator fails to appear for the hearing, judgment shall be entered against the violator.

(3) If the violator denies the allegations in the complaint, a final hearing on the complaint shall be held subject to the provisions regarding a speedy trial which are contained in Rule 248(b) Colorado Municipal Court Rules of Procedure. If the violator is found guilty or liable at such final hearing or if the violator fails to appear for a final hearing, judgment shall be entered against the violator.

(4) If judgment is entered against a violator, the violator shall be assessed an appropriate penalty, a docket fee, and other applicable costs authorized by ordinance or the court. If the violator had been cited by a penalty assessment notice, the penalty shall be assessed pursuant to this Code.

1711. Compliance with promise to appear.

A written promise to appear in court may be complied with by an appearance by counsel.

1712. Procedure prescribed not exclusive.

The foregoing provisions of this Code shall govern all police officers issuing citations for violations of this Code, for offenses or infractions committed in their presence, but the procedure prescribed in this Code shall not otherwise be exclusive of any other method prescribed by law or ordinance for the prosecution of a person for an offense or infraction of like grade.

1713. Conviction record inadmissible in civil action.

Except as provided in sections 42-2-201 to 42-2-208, C.R.S., no record of the conviction of any person for any violation of this Code shall be admissible as evidence in any court in any civil action.

1714. Traffic violation not to affect credibility of witness.

The conviction of a person upon a charge of violating any provision of this Code or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

1715. Convictions, judgments, and charges recorded - public inspection.

(1) Every judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this Code or any other law regulating the operation of vehicles on highways.

(2) Within ten days after the entry of a judgment, conviction, or forfeiture of bail of a person upon a charge of violating any provision of this Code or other law regulating the operation of vehicles on highways, the judge or clerk of the court in which the entry of a judgment was made or the conviction was had or bail was forfeited shall prepare and immediately forward to the motor vehicle division of the department of revenue an abstract of the record of said court covering every case in which said person had a judgment entered against

him or her, was so convicted, or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(3) Said abstract must be made upon a form furnished by the department of revenue and shall include the name, address, and driver's license number of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail forfeited, and the amount of the fine or forfeiture as the case may be.

1716. Notice to appear or pay fine - failure to appear - penalty.

(1) For the purposes of this part 17, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine.

(2) Except as otherwise provided in subsection (4) of this section, a person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.

(3) Deleted.

(4)(a)(I) Except as otherwise provided in subparagraph (II) of this paragraph (a), a person who is a parent or legal guardian of a minor under the age of eighteen years and who is required to appear in court with the minor pursuant to the provisions of this part 17 including but not limited to section 1710 (1.5), shall appear in court at the location and on the date stated in the penalty assessment notice or in the summons and complaint or as instructed by the court.

(II) The provisions of subparagraph (I) of this paragraph (a) concerning the appearance of a parent or legal guardian shall not apply in a case where the minor under the age of eighteen years or the parent of the minor demonstrates to the court by clear and convincing evidence that the minor is an emancipated minor.

(III) For purposes of this subsection (4), "emancipated minor" means a minor under the age of eighteen years who has no legal guardian and whose parents have entirely surrendered the right to the care, custody, and earnings of the minor, no longer are under any duty to support or maintain the minor, and have made no provision for the support of the minor.

(b) A person who violates any provision of paragraph (a) of subparagraph (I) of this subsection (4) commits an offense and shall be punished in accordance with Section 1-2-3 of the Official Code of the City of Montrose.

1717. Conviction - attendance at driver improvement school.

(1) Except as otherwise provided in subsection (2) of this section, whenever a person has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court, in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for a violation other than a traffic infraction, may require the defendant, at the defendant's own expense, if any, to attend and satisfactorily complete a course

of instruction at any designated driver improvement school located and operating in the county of the defendant's residence and providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. Such school shall be approved by the court.

(2) Whenever a minor under eighteen years of age has been convicted of violating any provision of this Code or other law regulating the operation of vehicles on streets or highways, the court may require the minor to attend and satisfactorily complete a course of instruction at any designated driver improvement school providing instruction in the traffic laws of this state, instruction in recognition of hazardous traffic situations, and instruction in traffic accident prevention. The court may impose the driver improvement school requirement in addition to the penalty provided for the violation or as a condition of either the probation or the suspension of all or any portion of any fine or sentence of imprisonment for the violation. The minor, or the minor's parent or parents who appear in court with the minor in accordance with section 1716 (4), of this Code, shall pay the cost of attending the designated driver improvement school. The court shall make available information on scholarships and other financial assistance available to help minors or their parents offset the costs of driver improvement school. Such school shall be approved by the court.

1718. Electronic transmission of data—standards.

A municipal court, county court, district court, or any court with jurisdiction over violations of traffic rules and laws shall not dismiss any charges or refuse to enforce any traffic law or rule solely because a penalty assessment notice or summons and complaint issued pursuant to the standards established in this section is in electronic form or contains an electronic signature.

1719. Violations--commercial driver's license--compliance with federal regulation.

As to a holder of a commercial driver's license as defined in section 42-2-402 or the operator of a commercial motor vehicle as defined in section 42-2-402, a court shall not defer imposition of judgment or allow a person to enter into a diversion program that would prevent a driver's conviction for any violation, in any type of motor vehicle, of a traffic control law from appearing on the driver's record.

SECTION 6: ADDITIONS OR MODIFICATIONS

Subsection 203 (4)(a)(I) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (A) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(A) MTC 203. Unsafe vehicles – spot inspections.

(4) (a) (I) Except as provided for in subparagraph (II) or subparagraph (III) of this paragraph (a), any owner receiving written notice and a summons pursuant to this

section is guilty of a class B traffic infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars.

SECTION 7: ADDITIONS OR MODIFICATIONS

Subsection 203 (4)(b)(I) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (B) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(B) MTC 203. Unsafe vehicles – spot inspections.

(4) (b) (I) Except as provided for in subparagraph (II) of this paragraph (b), any nonowner driver receiving written notice and a summons pursuant to this section is guilty of a class B traffic infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars.

SECTION 8: ADDITIONS OR MODIFICATIONS

Subsection 225 (3) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (C) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(C) MTC 225. Mufflers – prevention of noise.

(3) Any person who violates subsection (1) of this section or subsection (1.5) of this section commits a class B traffic infraction and shall upon conviction, be punished by a fine of one hundred dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of said city, town, or county, and the remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in §43-4-205(5.5)(a), C.R.S.

SECTION 9: ADDITIONS OR MODIFICATIONS

Subsection 238 (3) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (D) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(D) MTC 238. Blue and red lights – illegal use or possession.

(3) A violation of this section is a class 1 misdemeanor traffic offense.

SECTION 10: ADDITIONS OR MODIFICATIONS

Subsection 241 (2) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (E) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(E) MTC 241. Unlawful removal of tow-truck signage – unlawful usage of tow-truck signage.

(2) A person who violates subsection (1) of this section commits a class 1 misdemeanor traffic offense.

SECTION 11: ADDITIONS OR MODIFICATIONS

Section 510 of the Model Traffic Code is deleted, which deletion may be cross-referenced in Section 10-1-4 (F) of the Official Code of the City of Montrose, Colorado.

10-1-4:

(F) MTC 510. Reserved.

SECTION 12: ADDITIONS OR MODIFICATIONS

Subsection 611 (2) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (G) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(G) MTC 611. Paralegic persons or persons with disabilities – distress flag.

(2) Any person who is not a paralegic person or a person with a disability who uses such flag as a signal or for any other purpose is guilty of a class 1 misdemeanor traffic offense.

SECTION 13: ADDITIONS OR MODIFICATIONS

A new subsection 713 (6) is hereby added to the Model Traffic Code to read as follows, and may be cross-referenced in Section 10-1-4 (H) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(H) MTC 713. Yielding right-of-way to transit buses – definitions – penalty.

(6) Any person who violates any provision of this section commits a class B traffic infraction.

SECTION 14: ADDITIONS OR MODIFICATIONS

Subsection 1402 (2) of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (I) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(I) MTC 1402. Careless driving – penalty.

(2) Any person who violates subsection (1) of this section commits a class 2 misdemeanor traffic offense.

SECTION 15: ADDITIONS OR MODIFICATIONS

Subsections 1406 (5) (b) (I), (II) of the Model Traffic Code are amended to read as follows, and may be cross-referenced in Section 10-1-4 (J) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(J) MTC 1406. Foreign matter on highway prohibited.

(b) (I) Any person who violates any provision of paragraph (b) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) (II) Any person who violates paragraph (a) of subsection (1) of this section by throwing or depositing a container of human waste upon or along any highway commits a class 1 misdemeanor traffic offense and shall be punished by a fine of five hundred dollars.

SECTION 16: ADDITIONS OR MODIFICATIONS

Section 1811 of the Model Traffic Code is amended to read as follows, and may be cross-referenced in Section 10-1-4 (K) of the Official Code of the City of Montrose, Colorado:

10-1-4:

(K) MTC 1811. Penalty.

Unless otherwise specified in this part 18, any person who knowingly violates any of the provisions of this part 18 commits a class 2 misdemeanor traffic offense.

SECTION 17: ADDITIONS OR MODIFICATIONS

Sections 10-1-6 (A), and (B) of the Official Code of the City of Montrose, Colorado, are hereby amended to read as follows:

10-1-6: PARKING TICKETS

- (A) Notice on illegally parked vehicle: Whenever any vehicle is found parked or stopped in violation of any of the restrictions imposed by Ordinances of this Municipality, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and may conspicuously affix to such vehicle a notice of parking violation or provide the same to the owner or driver. Such notice of parking violation shall contain such information as convenient for the administration and enforcement of these provisions and the Model Traffic Code, but shall, at a minimum advise the driver or owner of the car, generally, of the nature of the violation, the amount of the fines which can be imposed, the procedure for either paying the fine or entering a plea to contest the violation, and the time in which the fine must be paid or other action taken. Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

As used in this Section 10-1-6 and Sections 10-1-7 and 10-1-11 of the Official Code of the City of Montrose, Colorado, the term "vehicle" shall have the same definition as set forth in this Chapter 10-1, and in the Model Traffic Code, except that the term "vehicle" shall also include:

- (a) All terrain vehicles, including, but not limited to, four-wheelers and snowmobiles;
- (b) Trailers, carts, wagons and similar devices;
- (c) Boats; and

(c) Recreational vehicles, also known as travel homes.

- (B) *Failure to Comply with Notice of Parking Violation.* If the driver or owner of a vehicle charged with an apparent violation of the restrictions on stopping, standing or parking under the Traffic ordinances of this municipality does not respond within the time to pay the fine specified on the notice of parking violation affixed to such vehicle or provided to such driver or owner, as set forth in Subsection (A) of this Section, by payment of the penalty to the Municipal Court, or by appearance and entry of plea, in accordance with the procedures set out on such notice of parking violation, or by other disposition of the charges, as provided by law, the City may cause another notice to be sent, by mail, to the registered owner of the vehicle concerning which the original ticket was directed, warning him that, in the event such notice is disregarded for a period of ten (10) days from the date of mailing, a complaint may be filed and a summons issued. In the event the applicable penalty is not paid, entry of plea made, or other disposition of the charge made, as provided by law, within said ten (10) days, a complaint may be filed and a summons issued in the sole discretion of the City Attorney's Office.

SECTION 18: ADDITIONS OR MODIFICATIONS

Section 10-1-9 (D) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

- (D) Any person convicted of violation of any provision of this Section shall, upon the first conviction, be subject to a minimum fine of \$50.00. Upon the second or subsequent conviction, any person convicted of violation of any provision of this Section shall be subject to a minimum fine of \$100.00. Any person convicted of violation of any provision in this Section may be subject to a maximum penalty as set forth in Section 1-2-3 of the Official Code of the City of Montrose, Colorado.

SECTION 19: ADDITIONS OR MODIFICATIONS

Section 10-1-10 of the Official Code of the City of Montrose, Colorado is hereby amended to read as follows:

10-1-10: PLAYING IN THE STREET

It shall be unlawful to play in any street. Any person convicted of violation of this Section shall be subject to penalties up to the maximum set forth in Section 1-2-3 of the Official Code of the City of Montrose, Colorado.

SECTION 20: ADDITIONS OR MODIFICATIONS

A new subsection 10-1-11 (G) is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

- (G) Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 21: ADDITIONS OR MODIFICATIONS

A new subsection 10-1-12 (D) is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

- (D) Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 22: ADDITIONS OR MODIFICATIONS

Section 10-1-13 (B) of the Official Code of the City of Montrose, Colorado, is hereby amended to read as follows:

10-1-13: OBSTRUCTING A ROADWAY

- (B) Violation of this section is a Class B traffic infraction, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 23: ADDITIONS OR MODIFICATIONS

A new subsection 10-1-14 (O) is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

- (O) Penalties for violation of this Section shall be as follows:
- (1) Violation of subsections (B) and (C) of this Section shall be Class B traffic infractions, the fines for which shall be within the range for such infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.
 - (2) Violation of subsections (D) through and including (M) of this Section shall be Class A traffic infractions, the fines for which shall be within the range for such

infractions, and as specified by the judge in the Municipal Court penalty schedule, if any.

- (3) Violation of subsection (N) of this Section shall be a Class 2 misdemeanor traffic offense, the fines for which shall be within the range for such offenses, and as specified by the judge in the Municipal Court penalty schedule, if any.

SECTION 24: ADDITIONS OR MODIFICATIONS

A new section 10-1-15 is hereby added to the Official Code of the City of Montrose, Colorado, to read as follows:

Pursuant to the authority granted by § 111 (bb) of the Model Traffic Code as adopted by this Chapter 10-1, the City hereby authorizes the use of “Golf Cars” as that term is defined in the aforementioned Model Traffic Code’s Definitions Appendix (39.5), on roadways within areas of golf communities where signs have been posted to notify the public of such use, or to travel from one portion of the same golf course to another.

SECTION 25: PENALTIES

As required by C.R.S. § 31-16-204, penalties for violation of this Ordinance are specifically set forth below:

- (A) Any person convicted of a violation of any provision of any City ordinance, the Official Code of the City of Montrose, Colorado, any code adopted by reference, thereby, or of the Charter of the City of Montrose, Colorado, may be punished by a fine in an amount not to exceed \$2,650.00 or by imprisonment in jail for a period of not more than one year, or by both such fine and imprisonment, unless a lower maximum sentence is specified. Any person under the age of 18 years at the time offense may be punished by a fine not to exceed \$300.00 or by imprisonment in detention for a period of not more than two (2) days, or by both such fine and imprisonment.
- (B) Misdemeanor Traffic Offenses are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Sentence	Maximum Sentence
1	Ten days imprisonment, or \$300 fine, or both	One year imprisonment, or \$1,000 fine, or both
2	Ten days imprisonment, or \$150 fine, or both	Ninety days imprisonment, or \$300 fine, or both

- (C) Traffic Infractions are divided into two classes that are distinguished from one another by the following penalties that are authorized upon conviction:

Class	Minimum Penalty	Maximum Penalty
A	\$15 penalty	\$100 penalty
B	\$15 penalty	\$100 penalty

SECTION 26: VALIDITY

If any provision of this Ordinance or the application of it to any person or circumstance is held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions or applications of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid and as such, the provisions of this Ordinance are expressly declared to be severable.

SECTION 27: REPEAL

Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

SECTION 28: INTERPRETATION

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

SECTION 29: EFFECTIVE DATE

This Ordinance shall become effective at 12:01 A.M. on the first day of _____, 2023.

SECTION 30: CERTIFICATION

The City Clerk shall attest to the passage of this Ordinance, and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on first reading on Tuesday, the _____ day of _____, 2023, at the hour of 6:00 p.m. in the Police Department Community Meeting Room, 434 South First Street, in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this _____ day of _____, 2022.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this _____ day of _____, 2023.

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: January 11, 2023
RE: 6700 Road Extension Project Construction Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the approval of \$4,595,856.14 in expenditures for construction of the 6700 Road Extension Project. This includes the award of a construction contract to Williams Construction in the amount of \$4,387,256.14, a survey and engineering support contract to Del-Mont Consultants in the amount of \$133,600, flashing crosswalk and school zone signage expenditures of \$25,000, and up to \$50,000 in expenditures to Delta-Montrose Electric Association for a portion of costs associated with powerline relocation and undergrounding alongside the project.

Background

The City of Montrose comprehensive plan calls for the completion of 6700 Road as a minor arterial where currently missing between Sunnyside and Miami Roads (see Figure 1). This project has remained a high-priority capital project due to continued traffic growth in the area; however, until recently, the City did not own all of the rights of way necessary to complete this missing link. With the right of way secured in the summer of 2022, the project could then move forward. Concurrent with securing the rights of way, the project was being designed by Del-Mont Consultants (Montrose, CO) throughout 2022 and was ready for bid in early December.

The project design includes through lanes in each direction, a center turn lane, bike lanes in each direction, and detached sidewalks on each side. This is the same template as that constructed on the South Hillcrest Extension (2018) and East Oak Grove Widening (2014) Projects. Upon completion, it is anticipated that traffic volumes on 6700 will be much higher than on the side streets (Sunnyside and Miami). As a result, 6700 Road will be given the through priority with stop signs controlling the side streets. Neither intersection met industry standard warrants for the implementation of a four way stop. Longer term, as buildout continues in the area and traffic volumes grow on these sidestreets, this would transition to a four way stop and eventually to a roundabout. It should be noted that volume thresholds to warrant roundabout intersections are likely at least 15 to 20+ years out.

Project Bidding and Associated Expenditures

Construction of the 6700 Road Extension Project was put out for bid on December 4th and bids were publicly received on January 11, 2023 from four contractors as summarized in Table 1 below. Bid totals presented include a 10 percent contingency.

TABLE 1 Summary of Bid Results		
Contractor	Location	Bid Total
Williams Construction	Norwood, CO	\$4,387,256.14
United Companies	Montrose, CO	\$5,011,317.30
Ridgway Valley Enterprises	Montrose, CO	\$5,024,577.80
Mountain Valley Contracting	Grand Junction, CO	\$5,189,599.80

The City has recent positive experience working with the low bidder, Williams Construction, on numerous capital projects and considers them qualified to perform the work. As a result, it is recommended that the construction contract be awarded to Williams Construction. It should be noted that the City's local preference policy would not change the outcome of bidding in this case.

In addition to the award of a construction contract, we are also recommending award of an engineering support and survey stakeout contract to the project designer, Del-Mont Consultants. This scope of work is budgeted at \$133,600 on an as-needed, time-and-materials basis based on a proposal provided by the consultant.

Additionally, the following direct expenditures are recommended for authorization on the project:

1. **Flashing Crosswalk and School Zone Equipment.** The 6700 Extension Project includes two crosswalks across 6700 Road and is situated alongside the Pope John Paul Academy. Given the anticipated traffic volumes and speeds along the new 6700 Road, the use of flashing crosswalks and school zone signage is warranted. These are being purchased directly by the City in order to maintain equipment continuity with other flashing sign improvements being installed throughout the City in 2023 and to obtain a volume discount on their purchase with other 2023 City capital projects. For the 6700 Road Extension Project, these expenditures total \$25,000.
2. **Portion of Powerline Relocation Costs.** Construction of the 6700 Extension Project will require the relocation and undergrounding of conflicting power infrastructure at the intersections of Sunnyside/6700 and Miami/6700. Under our right of way franchise agreement with Delta-Montrose Electric Association (DMEA), DMEA is required to relocate any conflicting facilities at their cost. However, the City has elected to underground some of these relocations for aesthetic purposes and to expand relocation efforts to ensure there are no power conflicts 20+ years into the future when roundabouts are installed at these intersections. As a result, the City proposes and DMEA is agreeable to a contribution of \$50,000 towards the \$150,000 in relocation costs.

A summary of these costs is included in Table 2 below.

TABLE 2	
Summary of Project Costs	
Work Element	Cost
Construction Contract (Williams Construction)	\$4,387,256.14
Survey and Engineering Support (Del-Mont Consultants)	\$133,600.00
Flashing Crosswalk and School Zone Equipment	\$25,000.00
Portion of Powerline Relocation Costs	\$50,000.00
TOTAL	\$4,595,856.14

Project Schedule and Traffic Control

The construction project is scheduled to begin in February and extend into November 2023. Most work will take place between Sunnyside and Miami Roads, outside of the existing roadways; however, some utility and roadway reconstruction work will be necessary at the intersections of 6700 with Miami and Sunnyside Roads. When these closures are required, they will maintain access to local driveways immediately adjacent to the work area but will detour traffic around to the nearest minor arterials as shown in the attached traffic control overview drawing. It should be noted that the contractor will only be allowed to close one intersection at a time in order to avoid excessive detour lengths and to avoid overwhelming the capacity of detour routes.

Contract Administration and Project Financials

Contract administration, project management, and inspection will be performed by the City of Montrose engineering department with support from the design engineer as needed.

The City budgeted a total of \$4.09M for this project out of the City's capital improvement (\$3.5M), water capital (\$290k), and sewer capital (\$300k) funds. This places the project approximately \$500k over the total budget. This overage is primarily due to three factors: (1) since initially budgeted, the project footprint has expanded further into the intersections in order to achieve proper geometric design at the road crossings, (2) general cost escalation within the construction industry, (3) high demand for earthwork contractors with all of the projects currently being awarded within the region.

As mentioned above, the project includes \$400k in contingency. The project also includes some inherent contingency in available aggregate quantity (road base and asphalt) that may be unused and could present measurable savings on the project (projects are setup to only pay for what is actually used). With this, there is a chance that the overage presented may not come to fruition. Over the past 10 years, it has not been uncommon for the City's roadway capital projects to come in 5 to 10% under final contract amount. However, if ultimately needed, this overage would come out of available fund balance within the City's respective capital budgets.

TRANSPORTATION

Proposed Roadway Network and Classification

MAP 6.1

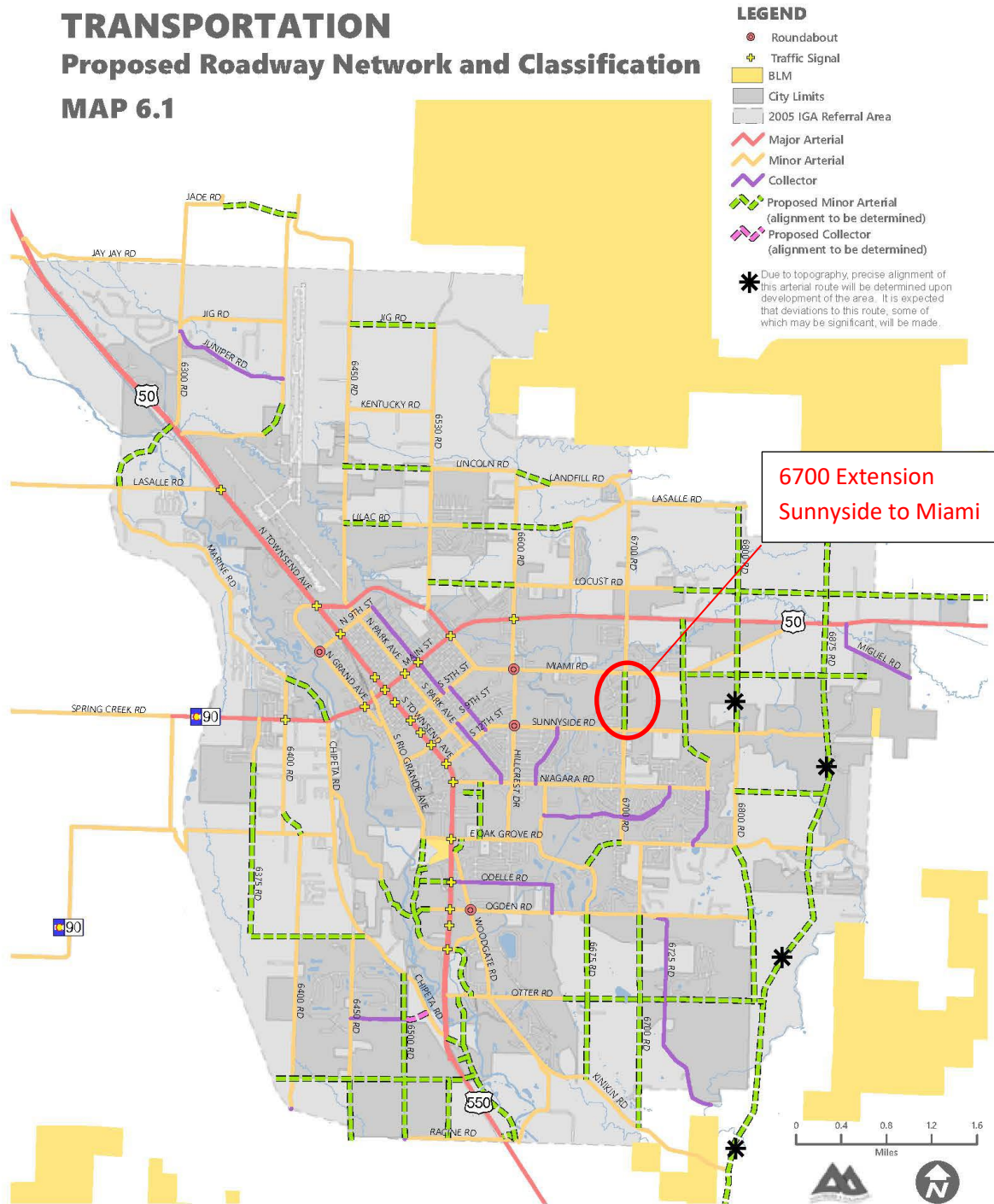


Figure 1 – Comprehensive Plan Road Network Excerpt

[illegible]

		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 122 Glenboro Ave. Phone: (707) 262-2277 FAX: (707) 262-2277 www.delmont.com www.delmont-met.com	
DESIGNED BY	RDD	SCALE	CHECKED BY
DRAWN BY	RDD	PLOT NAME	DATE PLOTTED
		22020C - 22020D - TRAFFIC ZONE	2022-12-02

CITY OF MONTROSE
6700 ROAD EXTENSION
MONTROSE, CO

TRAFFIC CONTROL CONCEPT PLAN

DMG JOB NO.: 22082

SHEET NO.: 4

OF 41 SHEETS

PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
FROM: Jim Scheid, Public Works Manager
Cc: William Bell, City Manager
Shani Wittenberg, Finance Director
Shane Brandt, Fleet Division Superintendent
DATE: January 17th, 2023
Subject: Trash Truck Purchase Recommendation



Recommendation

Consider the approval of a purchase of 3 Trash Trucks from Kois Brothers Equipment in Commerce City, CO in the amount of \$1,226,495.25.

Background

The City of Montrose self performs the collection of curb side trash and recycling from City residences. This operation utilizes 6 Automated Side Loader (ASL) trash trucks currently. Due to growth in the number of City of Montrose Trash and Recycling customers, the City budgeted for an additional ASL trash truck in 2022. This additional truck was budgeted in the Trash and Recycle Division 2022 Budget.

The City of Montrose Fleet Division replaces vehicles and equipment in the Fleet based on the life expectancy and the maintenance cost of each. The City's ASL trash trucks are on a 7 year replacement schedule to maximize the useful life of the equipment and utilize it at the lowest cost of operation. The replacement schedule has one replacement in 2022 and one in 2023. These two (2) replacements are budgeted in the Fleet 2022 and 2023 Budgets.

This brings the total ASL trash trucks to be purchased in 2022 and 2023 to three (3).

The City of Montrose authorized a purchase of two (2) ASL trash trucks in December of 2021 for the 2022 budget year. This award was not honored by the vendor selected for the chassis which resulted in the order being terminated. The budgeted amounts in the 2022 budget are rolled over into the 2023 budget to be used for the purchases recommended above.

On December 6th, 2022, the City of Montrose accepted bids for 3 new ASL trash trucks. Unfortunately, none of the bids met the specifications in the bid packet and were rejected.

The City of Montrose Fleet Division has been reaching out to as many vendors as possible, working closely with vendors that provide the specific equipment necessary and has requested quotes from three vendors to meet our specifications. Of the three vendors that a quote was requested from only one quote was returned. The City of Montrose has received one (1) quote.

The Quote is as follows:

COMPANY	PRODUCT COST
Kois Brothers Autocar Chassis Heil Body	\$1,226,495.25

Net Financial Impact

The budgeted amount for all three (3) of the purchases combined in 2022 and 2023 is \$930,00.00. Due to significant price increases and low availability for specialized equipment, the above recommendation is over the budgeted amount by \$296,495.25. This overage will be covered by the Fleet Fund initially and recouped through the internal lease payment from the Trash and Recycle Division to the Fleet Division.

PURCHASE AMENDMENT RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
FROM: Jim Scheid, Public Works Manager
Cc: William Bell, City Manager
Shani Wittenberg, Finance Director
Shane Brandt, Fleet Division Superintendent
DATE: January 17th, 2023
Subject: Bid#21-034 Vehicle Purchase Amendment



Recommendation

Consider the approval of a price increase for the 2022 Ford vehicle order that was previously awarded to Sill-Terhar Motors.

Background

On December 9th, 2021, the City of Montrose issued a purchase order to Sill-Terhar Motors for 20 new Ford vehicles. Since placing this order, the City of Montrose has received 1 of the ordered vehicles.

This past year has presented many challenges in the automotive industry. We have had microchip shortages along with supply chain issues due to global events. Due to these issues, the volume of vehicles produced by Ford and other vehicle manufactures has been reduced. This reduction in vehicle volumes produced has resulted in many orders not being fulfilled within the model year they were ordered. For the City of Montrose order placed in late 2021, 19 out of the 20 vehicles will be pushed to 2023 model year and 2023 pricing. The 2023 pricing from Sill-Terhar does match the pricing that was awarded on the Colorado State bid for Ford vehicles.

Pricing Type	PRODUCT COST
Initial Bid	\$ 856,827.52
2023 Pricing	\$1,003,658.00
Total Increase	\$146,830.48

City Staff recommends accepting the price increase.

Net Financial Impact

The budgeted amount for all the purchases combined is \$961,250.00. The 2023 pricing is over the budgeted amount by \$42,408.00.

The 2023 Sill-Terhar pricing is still less than the next qualified bid received in November of 2021 in the amount of \$1,016,463.00.

The \$42,408.00 over budget will be paid for by the Fleet Fund and recouped by the Fleet Interfund Lease to each division that utilizes these vehicles.





PROPERTY DISPOSAL

January 17, 2023

TO: Honorable Mayor, City Council
FROM: Jim Scheid, Public Works Manager
CC: William Bell, City Manager; Ann Morgenthaler, Assistant City Manager;
Shani Wittenberg, Finance Director; Shane Brandt, Fleet Superintendent
DATE: January 17, 2023
SUBJECT: City Owned Property Disposal

Recommendation

Approve the disposal of City owned vehicles and equipment to be replaced in 2023.

Background

Throughout the year, City departments replace outdated and obsolete equipment and vehicles. These items are typically low-value, unserviceable, or outdated items. Once each year (typically), these items are disposed of in various ways. Items have been auctioned through Govdeals.com, at the local Jim's Auction, and donated or sold to surrounding communities.

All items are disposed of in accordance with Section 1-16-5 of the Municipal Code.

Net Financial Impact

Proceeds from the sales are applied to the fleet fund.

Unit to be Replaced
292-2008 Ford F-350 (Streets)
256-2006 Mack Dump Truck (Streets)
223-2005 Trailer (Streets)
31-1975 Trailer (Streets)
289-2008 Ford F-350 (Parks)
294-2008 Ford F-350 (Parks)
423-2016 Hustler Super Z (Parks)
424-2016 Hustler Super Z (Parks)

425-2016 Hustler Super Z (Parks)
51-John Deere Brush hog (Parks)
410-2015 Ford Police Interceptor (Police Department)
411-2015 Ford Police Interceptor (Police Department)
412-2015 Ford Police Interceptor (Police Department)
413-2015 Ford Police Interceptor (Police Department)
414-2015 Ford Police Interceptor (Police Department)
415-2015 Ford Police Interceptor (Police Department)
238-2006 Chevrolet 1500 (Police Department)
125-2003 GMC Camera Van (Sewer Maintenance)
229-2005 Wanco Message Board (Water Distribution)
225-2005 Mack Dump Truck (Water Distribution)
332-2008 Ford F-150 (Facilities)
281-2007 Chevrolet Colorado (Building Inspection)
291-2008 Ford F-350 (Fleet)
719-2006 Salsco Greens Roller (Black Canyon Golf Course)
440-2017 Mack Scorpion Trash Truck (Trash and Recycle)
Metal cutting band saw (Fleet)